

Office of Licensing NEWS

New Regulations for Summary Suspensions and Brain Injury Services
February 9, 2007

New regulations are now in effect for (1) summary suspension in children and adult residential and (2) brain injury services.

Summary suspension regulations have been approved as emergency regulations for adult residential services effective January 1, 2007. At the same time, they became permanent regulations for children's residential services. These regulations allow the Commissioner to immediately close a children's or adult residential service should the conditions in the service present an imminent risk of health and safety to residents. The 2005 and 2006 General Assembly passed the summary suspension laws, which provided for immediate closure followed by an administrative hearing within 3 days and court hearing within 10 days of the findings of the administrative hearing. It is anticipated the Commissioner would issue an Order of Summary Suspension for only the most egregious situations. It provides a tool to address the problem of residents remaining in dangerous facilities, while a provider appeals a revocation decision.

The adult summary regulations will be published for public comment in a few months. There will be opportunity to modify them. It should be noted the law is very specific, and the regulations follow the law closely, and those provisions cannot be changed.

The brain injury residential regulations have become permanent in both adult and children's residential services. They can be found incorporated into the licensing regulations posted on the web site and for children's facilities in the "Mental Health Module". These regulations identify additional qualifications for staff and the requirement for provision of neuro-behavioral services in brain injury services. Should you have any questions, please contact your licensing specialist.